

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

GABRIEL AGUIRRE CUERO,

Defendant.

15-cr-125(PKC)

ORDER

CASTEL, Senior District Judge:

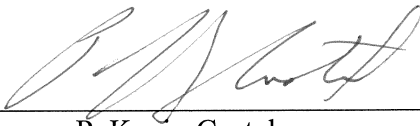
On January 20, 2017, the defendant was sentenced principally to a term of imprisonment of 144 months. (Minute Entry, Jan. 20, 2017; ECF 33.)

By application received February 23, 2024, defendant moved for a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines, which went into effect on November 1, 2023 and apply retroactively. The United States Probation Department has issued a report indicating that defendant is not eligible for a sentence reduction.

While Amendment 821 would lower defendant's Guidelines range from 168-210 months to 151-188 months based upon a reduction from Criminal History Category III to Criminal History Category II, defendant is nevertheless ineligible for a reduction because he received a sentence that is below the bottom of the amended Guidelines range.

It is hereby ORDERED that the defendant is ineligible for this reduction because defendant's original sentence is below the reduced Guidelines range and the motion is DENIED.

SO ORDERED.



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P. Kevin Castel  
Senior United States District Judge

Dated: April 15, 2024  
New York, New York